

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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| RACHEL CYMBALISTA and ARIEL CYMBALISTA, on behalf of themselves and all others similarly situated, Plaintiffs, v. JPMORGAN CHASE BANK, N.A., Defendant. | Case No. 2:20-CV-00456 Hon. Rachel P. Kovner, USDJ Hon Lois Bloom, USMJ |
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**CONSENT MOTION OF PLAINTIFFS RACHEL AND ARIEL CYMBALISTA FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT AGREEMENT**

PLEASE TAKE NOTICE that pursuant to FED. R. CIV. P. 23 and upon the accompanying *Plaintiffs' Memorandum of Law in Support of Consent Motion for Final Approval of Class Action Settlement*, the Declaration of Gio Santiago, Senior Project Manager with KCC Class Action Services, LLC, the Declaration of Ryan Chabot, Esq. of Wilmer Cutler Pickering Hale and Dorr LLP, counsel to defendant JPMorgan Chase Bank, N.A. ("Defendant" or "Chase"), and all prior pleadings and proceedings heretofore had herein, Plaintiffs Rachel and Ariel Cymbalista ("Plaintiffs"), by and through Settlement Class Counsel, will hereby move this Court on March 17, 2022, at 11:00 a.m. in the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, for final approval of the *Settlement Agreement and Release* (Dkt. 50-3) (the "Settlement" or "Settlement Agreement") and entry of the proposed *Final Order and Judgment*, annexed as **Exhibit A** hereto.

PLEASE TAKE FURTHER NOTICE that Plaintiffs and Settlement Class Counsel believe that the proposed Settlement and Settlement Agreement is fair, reasonable and adequate and, therefore, that the Court should enter the proposed *Final Order and Judgment*, which, among other things: (1) grants Final Approval of the Settlement Agreement as fair, reasonable and adequate under

Rule 23 and in conformity with *City of Detroit v. Grinnell Corp.*, 495 F.2d 448 (2d Cir. 1974); (2) confirms the certification of the Settlement Class under Federal Rules of Civil Procedure 23(a) and 23(b)(3) for settlement purposes; (3) confirms the appointment of Plaintiffs as the named representatives for the proposed Settlement Class; (4) confirms the appointment the law firms of Tusa P.C., Giskan Solotaroff & Anderson LLP and Lieff Cabraser Heimann & Bernstein LLP as Settlement Class Counsel; (5) confirms that the completed Notice Program satisfied Rule 23 and due process; (6) upon the Effective Date, directs the Parties, Administrator, and Calculation Advisor to implement the Settlement Agreement pursuant to its terms, including distributing Settlement payments to the Settlement Class Members and other disbursements from the Cash Settlement Amount as provided by the Settlement Agreement, and defendant JPMorgan Chase Bank, N.A.'s payment of the prospective escrow interest payments in accordance with the Settlement Agreement; (7) upon the Effective Date, dismisses this action with prejudice and in conformity with the Releases provided in Section XVI of the Settlement Agreement; (8) retains jurisdiction over the enforcement of the Settlement, Settlement Agreement and Fee Motion; (9) awards service awards to Plaintiffs from the Cash Settlement Amount; and (10) awards attorneys' fees and the reimbursement of costs and expenses to Settlement Class Counsel, payable from the Cash Settlement Amount.

PLEASE TAKE FURTHER NOTICE that Chase consents to Plaintiffs' motion for Final Approval, certification of the Settlement Class for settlement purposes and entry of the proposed *Final Order and Judgment*.

Dated: March 7, 2022

Respectfully submitted,

By: /s/ Joseph S. Tusa
Joseph S. Tusa

TUSA P.C.

Joseph S. Tusa
joseph.tusapc@gmail.com
P.O. Box 566
55000 Main Road, 2nd Floor
Southold, NY 11971
Tel. (631) 407-5100

**GISKAN SOLOTAROFF
& ANDERSON LLP**

Oren Giskan
ogiskan@gslawny.com
Michael Jaffe, Of Counsel
90 Broad Street, 2nd Fl.
New York, NY 10004
Tel. (646) 964-9644

**LIEFF, CABRASER, HEIMANN
& BERNSTEIN, LLP**

Roger Heller (*pro hac vice*)
rheller@lchb.com
275 Battery Street, 29th Fl.
San Francisco, CA 94111-3339
Tel. (415) 956-1000

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Avery S. Halfon
ahalfon@lchb.com
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Tel. (212) 355-9500

***Counsel for Plaintiffs
and Settlement Class Counsel***